UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,315	08/21/2000	Shmuel Shaffer	062891.0448	9000

7590 08/28/2003

Baker Botts LLP
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER
FOSTER, ROLAND G

ART UNIT	PAPER NUMBER
2645	2

DATE MAILED: 08/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/643,315	SHAFFER, SHMUEL	
	Examiner	Art Unit	
	Roland G. Foster	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 August 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 5-7, 9, 12-16, 19-21, 23-25, 28-30, 32, 35-37, 39-43, 46, 47, 49, and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,556,670 B1 to Horn ("Horn").

With respect to claim 1, see the following paragraphs for details on how Horn anticipates particular limitations within the claim.

The limitation "establishing an audio conference..." reads on the abstract and Fig. 1.

The limitation "determining that audio content of media from a particular device is undesirable" reads on the abstract and col. 2, lines 5-53 where the system determines the existence of an offending conferee (e.g., conferee transmitting music-on-hold).

The limitation "disabling the media from the particular device to terminate communication of the media from the particular device to the other devices in the audio conference" reads on the abstract and col. 2, lines 5-53 where the audio (media) from the offending conferee (particular device) is temporarily stopped (disabled).

Claim 15 differs substantively from claim 1 in that claim 15 recites a conference bridge that performs the functions equivalent to the method steps of claim 1. Therefore, see the claim 1 for additional details. In addition, "conference bridge" reads on audio conference bridges (e.g., bridge 8) (Fig. 1) each of which comprise a "plurality of ports". The "media controller" reads on Fig. 2.

Claim 24 differs substantively from claim 1 in that claim 24 recites software to perform steps equivalent to the method

steps of claim 1. Therefore, see the claim 1 rejection for additional details. In addition, see Fig. 2 which illustrates that the media controller relies upon a central processing unit 21. A central processing unit requires "software" in the form of processing instructions.

Claim 37 differs substantively from claim 1 in that claim 37 recites various means that perform functions equivalent to the method steps of claim 1. Therefore, see the claim 1 for additional details. In addition, see Figs. 1 and 2 for various means that perform the method steps as recited in claim 1 and as previously discussed.

Claim 42 differs substantively from claim 1 in the following limitations.

The limitation "receiving a recorded prompt to rejoin the audio conference" reads on col. 2, lines 47-51 where the offending conferee receives a recorded prompt to rejoin the conference.

The limitation "communicating a command to the remote location to rejoin the audio conference" reads on col. 3, lines

5-10 where a touchtone command is received at the controller (remote location) from the offending conferee to rejoin the conference.

Claim 46 differs substantively from claim 1 in the following limitations.

The limitation "communicating a command to the conference bridge to terminate communication of the media from the particular device to the other device in the audio conference" reads on Fig. 3 and col. 2, lines 55-67 where a conferee can activate an anti-music-on-hold button (communicate a command) to the bridge to terminate communication of the offending conferee.

With respect to claims 2, 19, 25, and 43, the offending conferee is generating "on-hold" music as discussed in the claim 1 rejection above.

With respect to claims 5, 16, 28, and 39, see the abstract, col. 2, lines 5-67, and Figs. 2 and 3.

With respect to claims 6, 9, 23, 29, 32, 40, 49, and 51, see the claim 46 rejection above for further details. The

telephone transmit single source signals (voice). See also Fig. 3.

With respect to claims 7, 13, 30, and 47, see col. 2, line 51-53 and col. 3, lines 5-9.

With respect to claims 12, 14, 21, 35, 36, and 41, see the claim 42 rejection above for further details.

With respect to claims 20, see Fig. 1, conference bridge/PBX 9.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3, 4, 26, 27, 38, 44, 45, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn as applied to claims 1, 24, 37, 42, and 46 above.

Although Horn discloses a conference bridge/PBX 9 and the processing of on-hold audio such as music during a conference (as discussed above), Horn fails to specifically that the PBX develops the hold audio (e.g., music) or that a meet-me bridge is implemented at the PBX.

However, "Official Notice" is taken that both the concept and advantages a PBX providing on-hold audio such as music and also providing a meet-me bridge would have been well-known and expected in the art.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add on-hold audio generation and support for a meet-me bridge to the conference bridge/PBX disclosed by Horn.

The suggestion/motivation for doing would have been to increase the flexibility and user-friendliness of a PBX by generating audio when the PBX determines that a party has been placed on hold so that the holding party knows that he is on hold and is entertained by audio programming (e.g., music) during the hold as is notoriously well-known in the art of PBX

systems with hold circuits. In addition, adding the support of meet-me features where conference participants need only call a specific number to be automatically added to the conference by the PBX also as well known in the art would have increased the versatility, accessibility, and user-friendliness of the PBX conference feature disclosed by Horn.

Claims 8, 10, 11, 22, 31, 33, 34, 50, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn as applied to claims 1, 6, 9, 15, 24, 29, 32, 46, 49, 51, above, and further in view of U.S. Patent No. 5,548,638 to Yamaguchi et al. ("Yamaguchi").

With respect to claims 8, 10, 31, 33, 50, and 52, although Horn discloses measuring the energy of the speech signal (col. 2, lines 39-42), Horn fails to disclose measuring the power characteristics of the signal and excluding based on highest power measurement.

However, Yamaguchi (similarly to Horn) teaches of a teleconferencing system that removes offending media such as music based on a sound activity factor (col. 2, lines 47-52)

that uses a voice activity detector that measures maximum average power (col. 11, lines 10-15 and lines 44-50).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add a removal of offending media based upon a sound activity factor that measures maximum average power as taught by the teleconferencing system of Yamaguchi to the teleconferencing system disclosed by Horn that removes offending media based on energy measurements.

The suggestion/motivation for doing so would have been to increase the user-friendliness and reliability of a teleconferencing system because offending media such as music as a high sound activity factor (i.e., "practically no silent intervals) (Yamaguchi, col. 3, lines 33-40). In addition, sound activity factor increases reliability and accuracy by preventing the "erroneous detection of sneak-path PB signal, ensuring detection of interference or disturbance sounds" (Yamaguchi, col. 3, line 40-44). The use of maximum power detection increase the accuracy of the voice activity factor detection by accounting for background noise (Yamaguchi, col. 11, line 65 - col. 12, line 2).

With respect to claims 11 and 34, see Horn, col. 2, lines 15-16.

With respect to claim 22, see Horn, Fig. 3 and the claim 8 rejection for further details.

Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Horn as applied to claim 15 above, and further in view of U.S. Patent No. 5,916,302 to Dunn et al. ("Dunn").

Horn fails to disclose that the bridge comprises a gateway using virtual ports and transmitting media in the form of audio packets.

However, Dunn (similarly to Horn) teaches of a PSTN based, teleconferencing system (abstract and Fig. 1) that comprises a gateway (Fig. 1, server 12 and Fig. 11, conference server 93 and gateway 115) transmitting media in the form of audio packet, such as via the web 116 to computer 80. The use of a temporary port at one of the gateways (e.g., conference server 93) to

establish a temporary connection would be equivalent to a "virtual" port.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to add the various gateways transmitting media in the form of audio packets via virtual ports as taught by the PSTN based, teleconferencing system of Dunn to the PSTN based, teleconferencing system disclosed by Horn.

The suggestion/motivation for doing so would have been to increase the versatility and flexibility of a conferencing system by adding conferencing servers (gateways) that allow "participant in a multimedia conference to vary services receiving in the PSTN during the conference; without required intervention of PSTN operators and other PSTN representatives" (Dunn, col. 2, lines 20-28). In addition, cost would have been decreased because gateways to public data networks such as the Internet "permit such control at a cost that can be attractive to both the PSTN and its customers" (Dunn, col. 2, lines 30-35).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roland Foster whose telephone number is (703) 305-1491. The examiner can normally be reached on Monday through Friday from 9:00 a.m. to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S. Tsang, can be reached on (703) 305-4895. The fax phone number for this group is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer service whose telephone number is (703) 306-0377.

Roland G. Foster
Patent Examiner
August 25, 2003